

UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN -- SOUTHERN DIVISION

GERALD A. SHIPPE,
Plaintiff,

-vs.-

DEMAND FOR JURY TRIAL

PORTFOLIO RECOVERY ASSOCIATES, LLC,
a foreign limited liability company,
Defendant.

COMPLAINT & JURY DEMAND

Plaintiff, Gerald Shippe, through counsel, Nitzkin and Associates, by Gary Nitzkin states the following claims for relief:

JURISDICTION

1. This court has jurisdiction under the FDCPA, 15 U.S.C. §1692k(d) and 28 U.S.C.
2. §§1331,1337.
3. This court may exercise supplemental jurisdiction over the related state law claims arising out of the same nucleus of operative facts which give rise to the Federal law claims.

PARTIES

4. The Defendant to this lawsuit is Portfolio Recovery Associates ("PRS") which is a corporation doing business in Virginia.

VENUE

5. The transactions and occurrences which give rise to this action occurred in Wayne County, MI.
6. Venue is proper in the Eastern District of Michigan.

GENERAL ALLEGATIONS

7. In mid November, 2010, Defendant placed its first telephone call to the Plaintiff.
8. Since then, the Plaintiff has received numerous phone calls from Defendant, on a daily basis, averaging about 1-3 times a day.
9. On or about November 23, 2010, the Plaintiff received a letter from Defendant.
10. In late December of 2010, the Plaintiff sent a cease and desist letter to the Defendant which it had received on December 24, 2010.
11. On December 28, 2010 at 5:48 p.m., Defendant called the Plaintiff demanding payment.
12. The Plaintiff advised the Defendant of his Cease and Desist letter which defendant's agent readily admitted to having received and having a copy of right in front of her. S
13. Defendant's agent nevertheless continued to demand and harangue money from the Plaintiff.
14. The Plaintiff has suffered damages as a result of these violations of the FDCPA.

COUNT I - FAIR DEBT COLLECTION PRACTICES ACT

15. Plaintiff reincorporates the preceding allegations by reference.

16. At all relevant times Defendant - in the ordinary course of its business - regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
17. Plaintiff is a "consumer" for purposes of the FDCPA and the Household Bank account is a consumer debt.
18. Defendant is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).
19. Defendant 's foregoing acts in attempting to collect this alleged debt violated 15 U.S.C. §1692c;
20. The Plaintiff has suffered damages as a result of these violations of the FDCPA.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury in this action.

DEMAND FOR JUDGMENT FOR RELIEF

Accordingly, Plaintiff requests that the Court grant him the following relief against the defendant:

- a. Actual damages.
- b. Statutory damages.
- c. Statutory costs and attorney fees.

Respectfully submitted.

December 30, 2010

/s/ Gary Nitzkin

GARY D. NITZKIN (P 41155)

NITZKIN & ASSOCIATES

Attorneys for Plaintiff

22142 West Nine Mile Road

Southfield, MI 48034

(248) 353-2882

Fax (248) 353-2882

Email - gnitzkin@creditor-law.com